

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

MILTON ANTOINE BROWN,

Plaintiff,

v.

Civil Action No. 3:19CV272

JOHN A. GIBNEY, JR.,

Defendant.

**MEMORANDUM OPINION**

Milton Antoine Brown, a Virginia inmate, submitted this action and requested leave to proceed in forma pauperis. The pertinent statute provides:

In no event shall a prisoner bring a civil action [in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Brown has at least three other actions or appeals that have been dismissed as frivolous or for failure to state a claim. See, e.g., Brown v. Goff, No. 3:18CV223, ECF Nos. 7, 8 (E.D. Va. June 13, 2018); Brown v. United States Department of Justice, No. 3:18CV347, ECF Nos. 3, 4 (E.D. Va. June 12, 2018); Brown v. United States Department of Justice, No. 3:18CV341, ECF Nos. 3, 4 (E.D. Va. June 12, 2018); Brown v. United States Department of Justice, No. 3:18CV339, ECF Nos. 3, 4 (E.D. Va. June 12, 2018); Brown v. Smith, No. 3:18CV225, ECF Nos.

8, 9 (E.D. Va. June 12, 2018) Brown's current complaint does not suggest that he is in imminent danger of serious physical harm. Accordingly, Brown's request to proceed in forma pauperis will be denied. The action will be dismissed without prejudice. If Plaintiff wishes to proceed with this action, he may submit a new complaint with the full \$400 filing fee. The Court will process such a complaint as a new civil action.

The Clerk is directed to send a copy of this Memorandum Opinion to Brown.

It is so ORDERED.

Date: *May 2, 2019*  
Richmond, Virginia

*/s/ REP*  
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Robert E. Payne  
Senior United States District Judge